

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)

PUBLIC UTILITIES COMMISSION)

DOCKET NO. 2008-0273

Instituting a Proceeding to)
Investigate the Implementation)
Of Feed-in Tariffs.)
_____)

MOTION TO INTERVENE

BY

HAWAII HOLDINGS, LLC,
DOING BUSINESS AS FIRST WIND HAWAII

and

CERTIFICATE OF SERVICE

Of Counsel:

CARLSMITH BALL LLP

GERALD A. SUMIDA
TIM LUI-KWAN
NATHAN C. NELSON
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Tel. No. (808) 523-2500

Attorneys for Hawaii Holdings, LLC,
Doing Business as First Wind Hawaii

PUBLIC UTILITIES
COMMISSION

2008 NOV 13 P 12:05

FILED

Wind, through one or more of its affiliates, has developed, and owns and operates, the 30 megawatt ("MW") wind energy project at Kaheawa Pastures, Island of Maui that sells electric energy to MECO, and through an affiliate is currently developing a second 21 MW wind energy project at Kaheawa Pastures, Island of Maui that will also sell electric energy to MECO. First Wind through an affiliate is developing a 30 MW wind energy project on the Island of Oahu that will sell electric energy to HECO. Finally, First Wind through an affiliate is developing a 350 MW wind energy project on the Island of Molokai that will sell the electric energy to HECO and will deliver that energy to HECO through an inter-island submarine transmission cable. First Wind is thus a significant participant in the State's electric industry, especially in the development of Hawaii's renewable wind energy resources, with a specific interest in the issues to be addressed in this proceeding.

2. First Wind is a Delaware limited liability company engaged in the development of wind energy power generation facilities using Hawaii's indigenous renewable wind resources to generate electric energy for ultimate use by the general public. As of June 30, 2008, First Wind's portfolio of wind energy projects included approximately 5,564 MW of capacity, of which 92 MW were operating and 182 MW were under construction. First Wind expects to start construction on a 203 MW wind energy project in 2008 on the mainland and, as a result, to be simultaneously constructing three wind energy projects representing an aggregate of 385 MW of capacity.

3. With respect to Hawaii, First Wind has developed, and owns and operates, the first utility-scale operating wind energy project at the Kaheawa Pastures site, Island of Maui (the "KWP I Project"), and sells electric energy generated from the KWP I Project to MECO under a Power Purchase Agreement and Interconnection Agreement with MECO (collectively,

the "KWP I PPA"). The KWP I PPA has a 20-year term that commenced in June, 2006. Under the KWP I PPA, First Wind provided approximately 125,000 MWhours of electric energy to the Island of Maui, or at least nine percent (9%) of the total amount of electricity consumed on the Island of Maui in 2007.

4. Further, First Wind is actively developing three additional wind energy projects in Hawaii. The first is a 21 MW wind energy project (the "KWP II Project") at a site adjacent to the KWP I Project site, and is in negotiations with MECO for a Power Purchase Agreement and Interconnection Agreement with MECO (collectively, the "KWP II PPA"). First Wind has proposed that the KWP II PPA have a 20-year term to commence in 2010, and will provide approximately 21 MW of electric energy to the Island of Maui. The second is a 30 MW wind energy project on the Island of Oahu that will sell electric energy to HECO, commencing in 2009. The third is a 350 MW wind energy project on the Island of Molokai that will sell the electric energy to HECO and will deliver that energy to HECO through an inter-island submarine transmission cable. First Wind is in various stages of PPA negotiations with HECO on the second and third wind energy projects.

5. As a major independent developer and supplier of electric energy from renewable wind energy resources to MECO on the Island of Maui, and as a future seller of such electric energy to MECO on the Island of Maui, and to HECO on the Island of Oahu, all for resale to the public, First Wind has a direct and substantial interest in the issues and approaches involved in the implementation of feed-in tariffs in the supply of wholesale and retail electric energy in Hawaii and in any potential feed-in tariffs and related arrangements involving and affecting Hawaii's electric industry. These interests include, but are not necessarily limited to, the substantial financial and operational commitments that First Wind has made to develop and

operate its several large-scale commercial wind energy projects on the Islands of Maui and Oahu. At the present stage of this proceeding, the issues, approaches, arrangements, cost implications, extent of further incentives to development renewable energy resources, elements of potential feed-in tariff arrangements, including the phasing in of such tariffs, whether such tariffs will be technology specific, whether they will be subject to digression arrangements, whether and how other factors (e.g., site location, wind intensity, interconnection arrangements, etc.) will be considered and determined, and similar matters are not fully known or identified, and the ultimate determination of these matters and how they will be applicable to each of the electric utilities involved in their respective service territories and State-wide will very likely affected First Wind's interests.

6. As the first, and to date the only, developer, owner and operator of the first utility-scale operating wind energy project on the Island of Maui, and as the developer of additional major wind energy projects on the Islands of Maui, Oahu and Molokai, First Wind has substantial and unique interests in the continuing development of a major renewable energy resource in Hawaii in furtherance of the State's renewable energy goals. Based on its conclusion that there are substantial additional wind energy resources on each of the Islands of Maui, Oahu and Molokai, First Wind has been committed to developing such renewable wind energy resources for the generation of electric energy. The Commission's order in this proceeding will likely directly -- as well as indirectly -- and immediately affect First Wind, and there are no other parties to this proceeding, and no other means available to First Wind, except for direct intervention, by which First Wind's interest in this proceedings will or can be adequately and fully protected.

7. First Wind is the developer, owner and operator of the first, and to date only, utility-scale operating wind energy facility on the Island of Maui, and is undertaking other large-scale commercial wind energy projects on the Islands of Maui (an additional 21 MW), Oahu (30 MW) and Molokai (350 MW for transmission to HECO on Oahu) for the generation of electric energy in the State of Hawaii. There are no other parties to this proceeding can adequately and fully represent the interests of First Wind regarding the issues to be identified and considered in this proceeding.

8. First Wind anticipates that it can assist the Commission in its consideration and analysis of, and final actions with respect to, the issues involved in feed-in tariffs. First Wind fully anticipates that its intervention will aid in the development of a sound record, and does not expect its intervention to broaden the issues or otherwise delay the proceedings. First Wind recognizes the importance of, and fully supports, an orderly and expeditious proceeding.

9. First Wind's interests in this proceeding differ from that of the general public because (i) First Wind is the developer of the renewable wind energy resources on each of the Islands of Maui, Oahu and Molokai, (ii) First Wind is the owner and operator of a 30 MW wind energy project on the Island of Maui and is a major supplier of electric energy to MECO pursuant to the KWP I PPA, (iii) First Wind is proceeding expeditiously to complete each of its wind energy projects currently under development and will become a major supplier of electric energy to MECO (21 MW) and HECO (30 MW and 350 MW from the two respective wind energy projects), (iv) First Wind has a direct and substantial interest the further development and use of wind energy resources for the generation of electric energy, and (v) First Wind may very

likely be directly -- as well as indirectly -- affected by the resolution of the issues that will be considered in this docket in a manner different from any potential impact on the general public.

10. First Wind supports the Commission's instituting a proceeding to address the issues related to feed-in tariffs for electric energy in the State of Hawaii, and First Wind looks forward to active and useful participation in those proceedings.

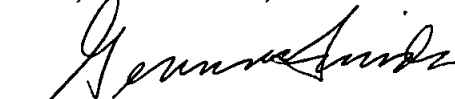
11. Correspondence and communications in regard to this motion should be mailed to:

Gerald A. Sumida, Esq.
Tim Lui-Kwan, Esq.
Nathan C. Smith, Esq.
Carlsmith Ball LLP
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

Mr. Mike Gresham
Hawaii Holdings, LLC, dba First Wind Hawaii
33 Lono Avenue, Suite 380
Kahului, Hawaii 96732

WHEREFORE, FIRST WIND respectfully requests an order granting its Motion to Intervene as a party.

DATED: Honolulu, Hawaii, November 13, 2008.

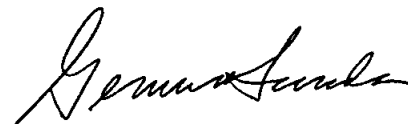


GERALD A. SUMIDA
TIM LUI-KWAN
NATHAN C. NELSON

Attorneys for Hawaii Holdings, LLC, Doing
Business as First Wind Hawaii

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

GERALD A. SUMIDA, being first duly sworn, deposes and says that he is the attorney for HAWAII HOLDINGS, LLC, doing business as First Wind Hawaii, a Delaware limited liability company, the within-named Movant; that he makes this verification for and on behalf of said Movant and is authorized to do so; that a member of HAWAII HOLDINGS, LLC is not immediately available to make this verification; and that he has read the foregoing motion, knows the contents thereof, and that the same are true of his own belief and knowledge.


GERALD A. SUMIDA

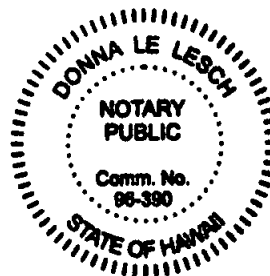
Subscribed and sworn to before me
this 13th day of November, 2008.



Notary Public, State of Hawaii

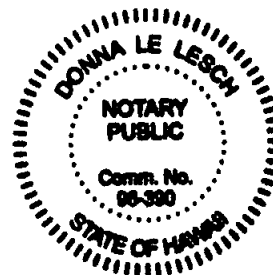
DONNA LE LESCH
Commission No. 96-390
Notary Public, State of Hawaii
My commission expires July 18, 2012

My commission expires: _____



Doc. Date: 11/13/08 # Pages: 11
Donna Le Lesch First Circuit
Doc. Description: Motion to
Intervene

 11/13/08
Notary Signature Date
NOTARY CERTIFICATION



CERTIFICATE OF SERVICE

I hereby certify that I have this date served copies of the foregoing motion upon the following parties, by causing copies hereof to be hand delivered or mailed, postage prepaid, and properly addressed to each such party as follows:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

2 Copies
By Hand Delivery

DARCY L. ENDO-OMOTO
VICE PRESIDENT
GOVERNMENT AND COMMUNITY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 965840-0001

Via Mail

DEAN MATSUURA
DIRECTOR
REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 965840-0001

Via Mail

JAY IGNACIO
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

Via Mail

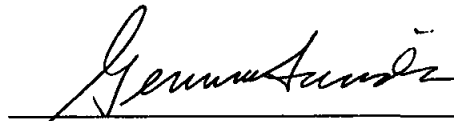
EDWARD L. REINHARDT
PRESIDENT
MAUI ELECTRIC COMPANY, LIMITED
P.O. Box 398
Kahului, HI 96732

Via Mail

RANDALL J. HEE, P.E.
President and Chief Executive Officer
Kauai Island Utility Cooperative
4463 Pahe'e Street, Suite 1
Lihue, Kauai, HI 96766-2000

Via Mail

DATED: Honolulu, Hawaii, November 13, 2008.



GERALD A. SUMIDA
TIM LUI-KWAN
NATHAN C. NELSON

Attorneys for Hawaii Holdings, LLC,
Doing Business as First Wind Hawaii